IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15163 of 2004

Between:

M. Subhakar, S/o. M. Ramachander Rao,
O/o. The Executive Engineer, District Scheduled Caste

Cooperative Society Limited,
Visakhapatnam, R/o. Visakhapatnam.

..... PETITIONER

AND

1. The Andhra Pradesh Scheduled Caste Finance Corporation

Limited, Rep. by its Managing Director, 5th Floor, Samkshema

Bhavan, Masab Tank, Hyderabad.
2 The District Collector and Chairman, District Scheduled Caste

Cooperative Society Limited, Visakhapatnam.
3 The Superintending Engineer, Social Welfare, Andhra Pradesh

Scheduled Caste Cooperative Finance Corporation Limited,

Guntur.
4 The Executive Director, District Scheduled Caste Cooperative

Society Limited, Visakhapatnam.
5 The Executive Engineer, District Scheduled Caste

Cooperative Society Limited, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus; A) Declaring the action of the respondents in not promoting the petitioner as Draughtsman Grade-III vide proceedings dated 7-1-1995 of the Superintending Engineer as arbitrary, illegal, un-warranted and in violation of Articles 14 & 16 of the Constitution of India; B) Direct the respondents to consider the case of the petitioner for promotion to the post of Draughtsman Grade-III in pursuance to the proceedings dated 7-1-1995 of the Superintending Engineer and further direct the respondents to treat the petitioner to have been

promoted as Draughtsman Grade-III w.e.f. 7-1-1995; and pass such other and further order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.ABHINAND KUMAR SHAVILI

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the stage of admission, made the following :

ORAL ORDER

The petitioner is a Tracer and presently working as in charge Draughtsman Grade III in the office of the Executive Engineer of the second respondent society. The petitioner has been working since 19-02-1986. The 3rd respondent issued proceedings on 07-01-1995 promoting the petitioner temporarily as a Draughtsman Grade III. In pursuance of the said promotion order, he gave a joining report to the 5th respondent on 24-01-1995, but, the 2nd respondent did not consider his promotion on the ground that the 2nd respondent is the competent authority for affecting promotions to the Draughtsman Grade III. The contention of the petitioner is that another Tracer by name M.Srinivasa Rao was also promoted by the third respondent and it was honoured by the Collector, Vizianagaram, whereas the second respondent is not honouring the order of the third respondent. Therefore, it amounts to discrimination. He is accordingly seeking a direction to the second respondent to treat the petitioner to have been promoted as a Draughtsman Grade III with effect from 07-01-1995. The petitioner contends that subsequently he preferred an appeal to the 1st and 2nd respondents questioning the non implementation of the order of the third respondent dated 07-01-1995 on 30-09-1998 and 16-07-1999 and the 1st and 2nd respondents did not pass any orders till now on his representations.

In the light of the circumstances explained by the petitioner, the 1st and 2nd respondents are directed to pass appropriate orders on the appeal preferred by the petitioner on 30-09-1998 and 16-07-1999 according to rules within two (2) months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

25TH AUGUST 2004

*TSNR

To

1. The Managing Director, The Andhra Pradesh Scheduled Caste

Finance Corporation Limited, 5th Floor, Samkshema Bhavan,

Masab Tank, Hyderabad.

2 The District Collector and Chairman, District Scheduled Caste

Cooperative Society Limited, Visakhapatnam.

3 The Superintending Engineer, Social Welfare, Andhra Pradesh

Scheduled Caste Cooperative Finance Corporation Limited,

Guntur.

4 The Executive Director, District Scheduled Caste Cooperative

Society Limited, Visakhapatnam.

5 The Executive Engineer, District Scheduled Caste

Cooperative Society Limited, Visakhapatnam.

6 Two CCs to GP FOR SOCIAL WELFARE,High Court Buildings,Hyderabad(OUT)

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